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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Appellant: Yoshihiro Satoh

Group Art Unit: 2175

Serial No.: 09/745,897

Examiner: Hassan Mahmoudi

Filed: 12/21/00

Appeal No.:

For: COMPUTER SYSTEM WITH ACCESS CONTROL MECHANISM

Certificate of Mailing

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APR 16 2004

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Brief of Appellants

Dear Sir:

This is an appeal from a final rejection, dated November 17, 2003, rejecting claims 1-9, all the claims being considered in the above-identified application. This Brief is accompanied by a transmittal letter authorizing the charging of appellant's deposit account for payment of the requisite fee set forth in 37 C.F.R. §1.17(c).

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Real Party In Interest

This application is assigned to **International Business Machines Corporation** by virtue of an assignment executed by the inventor on November 29, 2000, and recorded with the United States Patent and Trademark Office at reel 011424, frame 0103, on December 21, 2000. Therefore, the real party in interest is **International Business Machines Corporation**.

Related Appeals and Interferences

To the knowledge of the appellant, appellant's undersigned legal representative, and the assignee, there are no other appeals or interferences which will directly affect or be directly affected by or have a bearing on the Board's decision in the instant appeal.

Status of Claims

This patent application was filed on December 21, 2000, with the U.S. Patent and Trademark Office. As filed, the application included eight (8) claims, two (2) of which were independent claims (i.e., claims 1 & 8).

In an initial Office Action dated November 20, 2002, claim 5 was objected to as being of improper dependent form and claims 1-8 were rejected under 35 U.S.C. §102(e) as being anticipated by Bapat et al. (U.S. Patent No. 6,236,996; hereinafter "Bapat"). In appellant's response dated March 17, 2003, claims 1, 3-8 were amended and claim 9 was added, depending from claim 1.

In a second Office Action dated June 17, 2003, claims 1-9 were rejected under 35 U.S.C. §103(a) as being unpatentable over Bapat in view of Celik (U.S. Patent No.

6,374,259; hereinafter "Celik"). In appellant's response dated September 17, 2003, no claims were amended.

In a third and final Office Action dated November 17, 2003, claims 1-9 were rejected under 35 U.S.C. §103(a) as being unpatentable over Bapat in view of Celik. In appellant's response dated January 15, 2004, no claims were amended.

Appellant received an Advisory Action dated January 26, 2004, which indicated that appellant's Response to the final Office Action did not place the application in condition for allowance.

A Notice of Appeal to the Board of Patent Appeals and Interferences was filed on February 17, 2004. The status of the pending claims is therefore as follows:

Claims allowed – none;
Claims objected to – none;
Claims rejected – 1-9; and
Claims canceled – none.

Appellant is appealing the rejection of claims 1-9.

Status of Amendments

Appellant proffered no amendments responsive to the final Office Action dated November 17, 2003. The claims as set out in the Appendix include all prior entered claim amendments.

Summary of the Invention

In one aspect, appellant's claimed invention (e.g., claim 1) comprises a computer system for controlling access to data to be used in common by multiple users. The system includes data storage (11) for storing the data in common, and an access management table (14) that includes access management data to control an access right to the data in common. The system also includes a control means (15) for automatically updating the access management data in the access management table, concurrent with and in response to transmitting a communication from a first user to a second user (see specification, page 8, lines 12-30, and page 9, lines 1-8). The communication includes reference information to the data to be used in common (12) and the first user is authorized to grant to the second user an access right to the data. The second user is granted the access right to the data pursuant to the automatic updating of the access management data responsive to the transmitting of the communication (see specification, page 11, lines 1-15). As another aspect, appellant's invention (e.g., claim 8) provides a communication system (Fig. 1) that includes the aforementioned computer system.

In a further aspect, appellant's invention includes control means that automatically update the access management data in response to a command that is automatically issued during the transmitting of the recited communication (see claims 4 & 6-7).

Issue

1. Whether claims 1-9 were rendered obvious by Bapat in view of Celik.

Grouping of Claims

Since each ground of rejection provides a grouping of claims, the following group of claims is included herein:

I. Claims 1-9.

Appellant respectfully submits that the claims of Group I do not fall or stand together. For example, dependent claims 4, and 6-7 each include additional features that provide a separate basis of patentability over the applied art.

Argument

Group I: Claims 1-9

As noted, claims 1-9 stand rejected as obvious over Bapat in view of Celik. Reversal of this rejection is respectfully requested.

Appellant's invention is directed to an automatic update of a user's access right to data that is to be used in common by multiple users, the update occurring concurrently with, and in response to, a transmission of reference information to the user. The reference information refers to the data to be shared and is required by the user to access the data. That is, while reference information to shared data is being transmitted to a user, that user's right to access the shared data is also being granted automatically. These concurrent actions differ from the conventional approach of shared data access control, wherein the grant to a user of an access right to shared data occurs before (i.e., not concurrently with) the transmission of reference information to that data. By performing the update of access rights automatically, concurrently with, and in response to the transmission of the reference information to the user, the present invention avoids the need for an authorized entity to perform this update prior to the transmission.

With respect to the rejection, Bapat fails to teach or suggest a computer system (claim 1) or communications system (claim 8) for controlling access to data to be used in common by multiple users communication that includes reference information transmitted from a first user to a second user, wherein the second user is granted the access right to the data pursuant to an automatic updating responsive to the transmitting of the communication. Instead, Bapat describes a technique for controlling access to data

based on access restrictions in a DBMS that are updated in response to the update of access rights in an access control engine (ACE) (col. 18, lines 36-40; see also 280 in FIG. 9). This updating of access rights allows users to use standard DBMS report generators while still providing the same access restrictions as those that apply to normal management information requests (col. 3, lines 8-13). There is no discussion in Bapat of a transmission of a communication, in which reference information is included, to a user who is granted thereby an access right to data to be used in common, let alone the granting of such an access right pursuant to an automatic updating of access management data responsive to the transmission. User access requests are depicted in Bapat in FIGs. 3, 5, 6, 9 & 10; however, none of these figures indicate that the above-described communication and associated functionality occurs. For these reasons, appellant respectfully submits that Bapat does not teach or suggest appellant's recited communication characterized as described above.

In the Response to Arguments section of the final Office Action, col. 18, lines 36-40 and col. 32, lines 49-54 of Bapat were cited to support the "concurrent with" and "in response to" aspects, respectively, of appellant's claimed invention. The cited lines in col. 18 describe the automatic update of access restrictions imposed by the DBMS "whenever" access rights to corresponding event notifications are modified in the ACE. Appellant believes that the usage of "whenever" in this section does not impose or infer concurrency on the two updates.

However, assuming, *arguendo*, that these updates do occur concurrently, appellant submits that neither of these updates teach or suggest appellant's recited transmission of a communication that includes reference information to a user, wherein the user is granted an access right pursuant to the automatic updating of the access management data responsive to the transmission of the communication. For example, neither of the updates is performed by a command transmitted to a user who is granted an access right to data pursuant to the automatic updating of access management data. Instead, the update commands are transmitted to the systems (e.g., the DBMS) that

control access rights (see, e.g., col. 18, lines 1-9). These systems, however, are not being granted access rights themselves pursuant to the update. Therefore, as recipients of the update commands, these systems are not teaching or suggesting appellant's recited functionality wherein a user is granted an access right pursuant to the automatic updating.

The cited lines in col. 32 describe a part of Bapat's access control scheme that includes instructions for retrieving management information from managed objects in response to user access requests. Although this section describes one action being done "in response to" another, appellant strenuously traverses any conclusion that the user's access request teaches or suggests appellant's communication that includes reference information, which is transmitted to a user who is granted an access right. The user's access request is transmitted from the user to whom an access right is granted. In contrast, appellant's recited communication that includes reference information is transmitted to a user to whom an access right is granted.

Further, the final Office Action points to col. 15, line 67 – col. 16, line 7 to support the rejection. This section of Bapat describes the virtually simultaneous updating of local copies of access control trees in the Management Information Server (MIS) and auxiliary servers (see FIG. 8 thereof). The presence of concurrent actions in Bapat does not describe or suggest the specific concurrent actions recited in the present invention. To perform the update of the local copy of an access control tree, the MIS and auxiliary servers are the recipients of an event notification indicating a change in the access control tree (col. 15, line 67 – col. 16, line 2). These recipient servers provide control of access rights assigned to users, but are not being granted an access right themselves pursuant to the update of the tree. In contrast, as noted above, the recipient of the communication that includes reference information is the user to whom an access right to data is granted pursuant to the automatic updating of the access management data.

Still further, the final Office Action cited col. 16, lines 55-61 relative to the above-noted concurrency feature. This section discloses a user communications interface by which insert statements and read requests are submitted and processed by a standard

SQL engine. There is no discussion in this section that the insert statement and the read requests are concurrently processed. Further, the insert statement and the read requests are transmitted to components of the DBMS (see col. 16, lines 58-61 and FIG. 9 thereof), which is different from appellant's recited communication transmitted to a user, wherein the user is granted an access right to data pursuant to an automatic updating of the access management data responsive to the transmission of the communication. Thus, Bapat does not describe or suggest this feature of the present invention.

Based on the foregoing, appellant respectfully submits that Bapat does not teach or suggest various features of appellant's claimed invention. Moreover, Celik fails to overcome the deficiencies of Bapat as applied to the present invention.

For example, while the Celik patent describes retrieving business contact information stored in an internet-accessible database, it fails to teach or suggest a communication, in which reference information is included, transmitted to a user who is granted an access right to data pursuant to an automatic updating of an access management data responsive to the transmitting of the communication. The information management technique of Celik includes assigning a first user a unique user identification number, storing information related to the first user in a remote database, and passing the first user's identification number to a second user (e.g., on a business card), thereby enabling the second user to access the remote database over a network to retrieve information relative to the first user by entering the unique user identification number (see Abstract thereof). Prior to assigning the unique user identification number to the first user, the first user's account preferences are set up, which include various grants of access rights to the first user's information (col. 7, lines 21-23; see also col. 6, line 35 – col. 7, line 15 and FIGs. 4A, 4B & 5). Since the grant of an access right in Celik occurs before the assignment of a user identification number, the access right grant also occurs prior to the passing of the identification number from the first user to the second user. Thus, the second user is not granted an access right pursuant to an automatic updating of access management data responsive to the communication that includes the reference

information, as claimed by the present invention. Instead, the second user in Celik is granted an access right pursuant to a process (see FIG. 5) that occurs prior to (not responsive to) the communication that includes reference information.

The Office Action cites the Abstract, col. 1, lines 50-58, col. 11, lines 51-57 and col. 2, lines 38-46 as teaching the first user authorized to grant an access right and a second user who is granted the access right. These sections of Celik disclose access rights and an authorized first user and a second user who is granted the access right. As noted, the timing of the grant of the access right and the passing of reference information (e.g., the unique identification number) precludes a teaching or suggestion of appellant's recited communication to a second user, wherein the user is granted an access right to data pursuant to the automatic updating of access management data responsive to and concurrent with the transmission of the communication.

For the reasons stated above, appellants respectfully submit that Celik, like Bapat, fails to teach or suggest the recited functionality, wherein the second user is granted the access right to the data pursuant to an automatic updating of the access management data responsive to and concurrent with the transmitting of the communication.

Therefore, reversal of the obviousness rejection of independent claims 1 & 8 is requested. The dependent claims are patentable for the same reasons as the independent claims from which they directly or ultimately depend, as well as for their own additional characterizations. For example, claims 4, and 6-7 are believed to recite separate basis for patentability.

Claims 4, and 6-7 recite control means that automatically updates the access management data in response to a command that is automatically issued during said transmitting of the communication. The final Office Action points to Bapat, col. 15, line 67 – col. 16, line 7 as teaching the “command that’s automatically issued during the transmitting of the communication” aspect of appellant’s claimed invention. As explained above, this section of Bapat describes a virtually simultaneous updating of

local copies of access control trees in the Management Information Server (MIS) and auxiliary servers (see FIG. 8 thereof). The presence of these “virtually simultaneous” actions in Bapat, however, does not describe or suggest the specific concurrent actions recited in claims 4, and 6-7 in the present invention.

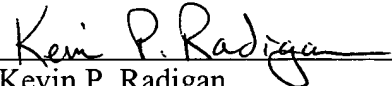
For the above reasons, appellant respectfully requests reversal of the obviousness rejection to all claims of Group I.

Conclusion

Appellant respectfully requests reversal of the rejection set forth in the final Office Action. Appellant submits that the functionality recited in the claimed invention was not rendered obvious by Bapat in view of Celik. These patents do not individually or in combination teach, suggest or imply appellant’s recited independent claims (wherein an update of access rights occurs automatically, concurrently with, and in response to the transmission of reference information to a user), or certain further characterizations recited in the dependent claims (e.g., automatically updating the access management data in response to a command that is automatically issued during the transmitting of the communication).

Thus, appellant alleges error in rejecting the claims as obvious over Bapat in view of Celik, and requests reversal of the rejection.

Respectfully submitted,



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Dated: April 09, 2004

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Appendix

What is claimed:

1. A computer system for controlling access to data to be used in common by multiple users, comprising:

data storage for storing said data in common;

an access management table including access management data to control an access right to said data in common; and

control means for automatically updating said access management data in said access management table, concurrent with and in response to transmitting a communication, in which reference information to said data in common are included, from a first user who is authorized to grant an access right to said data to a second user, wherein the second user is granted the access right to said data pursuant to the automatic updating of said access management data responsive to the transmitting of the communication.

2. The computer system according to claim 1, wherein said access management data in said access management table includes identification information for data to be accessed, identification information for said second user to whom the access right to said data has been granted, and access level information.

3. The computer system according to claim 2, wherein said access management data in said access management table includes identification information for said first user who grants the access right to the second user.

4. The computer system according to claim 3, wherein said control means automatically updates said access management data in response to a command that is automatically issued during said transmitting of the communication.

5. The computer system according to claim 4, further comprising a plurality of user terminals for communicating with said computer system.

6. The computer system according to claim 2, wherein said control means automatically updates said access management data in response to a command that is automatically issued during said transmitting of the communication.

7. The computer system according to claim 1, wherein said control means automatically updates said access management data in response to a command that is automatically issued during said transmitting of the communication.

8. A communication system comprising:

a computer system for controlling access to data to be used in common by multiple users, comprising:

data storage for storing said data in common;

an access management table including access management data to control an access right to said data in common; and

control means for automatically updating said access management data in said access management table, concurrent with and in response to transmitting a communication, in which reference information to said data in common are included, from a first user who is authorized to grant an access right to said data to a second user, wherein the second user is granted the access right to said data pursuant to the automatic updating of said access management data responsive to the transmitting of the communication.; and

a plurality of user terminals for communicating with said computer system.

9. The computer system according to claim 1, wherein said access management table resides on a server external to the first user and the second user.

AF 2708

TRANSMITTAL OF APPEAL BRIEF (Large Entity)

Docket No.
JA999745

In Re Application Of: **Yoshihiro Satoh**

Serial No.
09/745,897

Filing Date
12/21/00

Examiner
Hassan Mahmoudi

Group Art Unit
2175

Invention: **COMPUTER SYSTEM WITH ACCESS CONTROL MECHANISM**



TO THE COMMISSIONER FOR PATENTS:

Transmitted herewith in triplicate is the Appeal Brief in this application, with respect to the Notice of Appeal filed on February 17, 2004.

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The fee for filing this Appeal Brief is: **\$330.00**

- ☐ A check in the amount of the fee is enclosed.
- ☒ The Director has already been authorized to charge fees in this application to a Deposit Account.
- ☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. **09-0463 (IBM)**

Kevin P. Radigan
Signature

Dated: April 09, 2004

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I certify that this document and fee is being deposited on **04/09/04** with the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Kevin P. Radigan
Signature of Person Mailing Correspondence

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